

## **S.B. 1071 Support/Comments on Section 1 and Section 7**

**Government Administration and Elections Committee  
Testimony – March 10, 2021**

**Luther Weeks  
Luther@CTVotersCount.org  
334 Hollister Way West, Glastonbury, CT 06033**

Chairs and members of the Committee, my name is Luther Weeks, Executive Director of CTVotersCount and the Connecticut Citizen Election Audit, a Certified Moderator and a Computer Scientist.

### **Section 1.**

Continuing drop boxes for absentee ballot packets and absentee ballot applications is a reasonable convenience. However, I have two concerns and suggestions:

- It should be required that the boxes should always be emptied by two individuals and each time a drop box is emptied there should be a log maintained by the municipal clerk with the date and time, the box was emptied, the number of applications, ballot packets, and other items retrieved, with the names and signatures of the two individuals opening and transporting the items to the municipal clerk.
- Any vandalism or other disruption of drop boxes should be immediately reported to the local police and the SEEC, with an annual report created by the SEEC of all such incidents and their disposition.

### **Section 11.**

I applaud the Secretary of the State for bringing forward this long overdue concept. See my Op-Ed below for the logic of this change.

I have two concerns and related suggestions.

- Often, in my experience observing over 180 post-election audit counting sessions, it is not clear to officials that they must already audit all the ballots counted by a scanner, including absentee ballots and Election Day Registration ballots. Often, they do not contact the municipal clerk to make the absentee ballots available for them to be counted. The law should be updated to make that clear, as I suggest below.
- As used in the current law the word ‘cast’ is ambiguous. By any normal definition, ‘cast’ is either the act of a voter finally submitting a ballot or the act of election officials to accept a ballot to be counted. Neither definition is appropriate in 9-320f. In fact, the Voluntary Voting Systems Guidelines 2.0<sup>1</sup> (VVSG) recently approved by the Election Assistance Commission resolves that ambiguity<sup>2</sup>. For our law and elections in Connecticut, most polling place voters, with some exceptions, ‘cast’ their vote directly into scanners, but voters using absentee voting or Election Day Registration ‘cast’ their votes earlier not directly to a scanner. Officials later scanning of such ballots is not ‘casting’. Often, as I said above registrars do not contact the municipal clerk to make them available for them to be counted. The law should be updated to make that clear, as I suggest below.

---

<sup>1</sup> [https://www.eac.gov/sites/default/files/TestingCertification/Voluntary\\_Voting\\_System\\_Guidelines\\_Version\\_2\\_0.pdf](https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf)

<sup>2</sup> VVSG P259 “cast [verb] The final action a voter takes in selecting contest options and irrevocably confirming their intent to vote as selected.”

- Perhaps there are other places where our election laws could be updated to match the VVSG 2.0 Glossary. Let us at least start here.

I suggest the following additional text changes to the law be added to this bill:

**9-320f**

(d) The manual or electronic audit described in subsection (a) of this section shall consist of the manual or electronic tabulation of the paper ballots [cast and] counted by each voting tabulator subject to such audit including any polling place, absentee ballots, or Election Day Registration ballots counted by each voting tabulator. ...

Thank you

**Connecticut's upcoming primary election should be audited. Will it really be?**

**CT Viewpoints, by Luther Weeks, July 15, 2020**

After every general election and primary, Connecticut law requires a post-election audit. Such audits are intended to provide justified confidence in our elections, that errors were not made, and that machines have not been hacked. However, unless something is done, this year the audits will be by far the weakest, least credible since audits were initiated with the adoption of optical scanners in 2007.

Reasonably, in the COVID emergency, Gov. Ned Lamont and Secretary of the State Merrill have provided the opportunity for everyone to vote by absentee ballot in the primary. It is likely the General Assembly will do the same for the general election. Unfortunately, this [Absentee expansion] will exacerbate preexisting gaps in our post-election audits.

Congress and voters are concerned with the potential for hacking by foreign governments and insiders, others do not trust the integrity of mail-in voting. The Federal Government has provided billions for protecting elections, with Connecticut spending millions of that Federal money on cyber security and absentee ballot mailings. In contrast, past audits have cost less than \$100,000 in a presidential year and this year are on course to be halved in cost and effort for a second time.

In 2007 the General Assembly passed post-election audits that mandated auditing the counts in 10% of our polling place voting machines. The audits have proven useful in providing overall confidence and in identifying some flaws in the operation of those machines, uncovering persistent errors by officials, rather than computer errors, and exposing gaps in ballot security.

From the beginning, the audit law exempted hand-counted ballots, absentee ballots, and election day registration ballots — all under the flawed theory that if some machines count ballots accurately, they all do, even if they are exempted from the audit. Exempting ballots from audits provides hackers and insiders a formula for where to attack. The law includes no auditing of any of the processes around the election such as voter registration, absentee ballot applications, absentee ballot processing, or physical security of ballots.

Uniquely in Connecticut government, elections are beyond the scope of the state auditors or any sort of independent auditing. Several elections ago, the General Assembly, with the encouragement of the Registrars of Voters Association, cut the audit in half to 5%. Even with that, over 90% of ballots cast were subject to random selection for audit.

Now we face a primary, a critical election, and COVID-19. There will be a scramble to accurately process an unprecedented load of 10 to 15 times the number of absentee ballots. Since absentee ballots are excluded from the audit, less than half our votes will be subject to random selection and in the end only 1.5% to 2% will actually be audited. There will be no auditing of the absentee ballot processing and ballot security.

Registrars object to the expense and the drudgery of calling back polling-place officials to hand count selected ballots. That should no longer be a concern. The Secretary of the State's office and the University of Connecticut have already built, tested, and paid for an electronically assisted post-election audit system. With that system registrars transport ballots to Hartford while the Secretary's staff and UConn audit them under public observation. They verify a very small sample by hand against the UConn system. That system has been prototyped and in use for several elections. Last year it was used for over half of the towns selected for audit.

The General Assembly should act, at a minimum, to expand the current 5% audit to include all machine-counted ballots and order an independent audit of the absentee processes and ballot security. Failing that, the governor or Secretary Merrill should order those extensions. Available federal money is authorized to fund audits. There is a precedent. In 2008, facing a critical election and a public concerned with our new voting machines, using Help America Vote Act funding, Lt. Gov. Susan Bysiewicz, then Secretary of the State, ordered that the 10% audit for the primary be expanded to 30%.

It is critical that we fully audit the August primary so any flaws can be fixed prior to the November election.

Paper ballots are of little use unless we actually vote and then exploit those ballots to provide justified confidence in our elections.